

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

UNITED STATES OF AMERICA,

NO. CR08-37-MJP

Plaintiff,

v.

SUMMARY REPORT OF  
U.S. MAGISTRATE JUDGE AS  
TO ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE

KERRY LEIGH SMYTHE,

Defendant.

An initial hearing on a petition for violation of supervised release was held before the undersigned Magistrate Judge on November 9, 2010. The United States was represented by Assistant United States Attorney Norman Barbosa, and the defendant by Jay Stansell.

The defendant had been charged and convicted of False Passport Application, in violation of 18 U.S.C. § 1542. On or about August 29, 2008, defendant was sentenced by the Honorable Marsha J. Pechman, to five years probation.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, search, sex offender registration; participate in sexual deviancy treatment as directed by probation, do not loiter 100 feet of where children frequent, submit to polygraph testing, do not possess an identification in any other name, and shall reside and participate at the RRC for up to 120 days.

1 In a Petition for Warrant or Summons, dated November 5 2010, U.S. Probation Officer  
2 Jennifer Van Flandern asserted the following violation by defendant of the conditions of his  
3 supervised release:

- 4 (1) Being terminated from the Residential Reentry Center (RRC) on November 5,  
5 2010, in violation of the special condition requiring him to reside and  
6 participate in an RRC for up to 120 days as directed.
- 7 (2) Committing the crime of Indecent Exposure on or about November 5, 2010, in  
8 King County, Washington, in violation of the general condition that he not  
9 commit a federal, state or local crime.

10 The defendant was advised of his rights, acknowledged those rights, and admitted to  
11 alleged violation number 1. As to alleged violation number 2, based on the record submitted,  
12 defendant was found to have committed violation 2.

13 I therefore recommend that the Court find the defendant to have violated the terms and  
14 conditions of his supervised release as set forth in violations 1 and 2, and that the Court  
15 conduct a hearing limited to disposition. A disposition hearing on these violations has been set  
16 before the Honorable Marsha J. Pechman on November 23, 2010 at 11:00 a.m..

17 Pending a final determination by the Court, the defendant has been detained.

18 DATED this 9th day of November, 2010.

19   
20 JAMES P. DONOHUE  
21 United States Magistrate Judge  
22

23 cc: District Judge: Honorable Marsha J. Pechman  
24 AUSA: Norman Barbosa  
25 Defendant's attorney: Jay Stansell  
26 Probation officer: Jennifer Van Flandern